

BEFORE THE DOCKET FILE COPY ORIGINAL
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

JUN 20 1994

In the Matter of

Revision of Part 22 of the
Commission's Rules Governing the
Public Mobile Services

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) CC Docket No. 92-115
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To: The Commission

COMMENTS

NYNEX Corporation ("NYNEX") submits the following comments in response to the Further Notice of Proposed Rulemaking ("Further Notice") released on May 20, 1994 in the proceeding captioned above.

I. INTRODUCTION

The Commission initiated this proceeding with a Notice of Proposed Rulemaking adopted on May 14, 1992.¹ In the Notice, the Commission proposed to revise Part 22 of its Rules, 47 C.F.R. Part 22, in order to streamline the application process, remove unnecessary regulatory requirements and promote the prompt delivery of new services. In comments filed in response to that Notice, NYNEX supported the Commission's efforts and argued that the revisions proposed in

¹ Revision of Part 22 of the Commission's Rules Governing the Public Mobile Services, CC Docket No. 92-115, Notice of Proposed Rulemaking, 7 FCC Rcd 3658 (1992) ("Notice").

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the Notice made significant strides towards achieving a balance between the Commission's enforcement responsibilities and the need to reduce unnecessary regulatory and administrative burdens facing service providers.²

In this Further Notice, the Commission proposes to adopt additional changes to Part 22 in light of the enactment of recent statutes and the adoption of Commission orders that significantly affect the regulation of mobile services.³ The Commission's goal is that these additional revisions, which impact cellular service and public land mobile services (PLMS), will further streamline and improve procedures promulgated in Part 22.

With limited exception, NYNEX generally agrees that the revisions proposed in the Further Notice will advance the Commission's goal. As further described below, however, NYNEX believes that the Commission should clarify some of the proposed revisions. In addition, some minor modifications of the revisions are necessary.

² See Comments filed October 5, 1992 by NYNEX Mobile Communications Company ("NMCC"). (Attached.) We hereby incorporate the views expressed in the NMCC comments into the instant phase of this proceeding.

³ Further Notice at ¶¶3-4, citing Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services, GN Docket No. 93-252, Second Report and Order, 9 FCC Rcd ____ (1994), Implementation of Section 309(j) of the Communications Act, PP Docket No. 93-253, Second Report and Order, FCC 94-61, released April 20, 1994, and Implementation of Sections 3(n) and 332 of the Communications Act, GN Docket No. 93-252, Further Notice of Proposed Rulemaking, FCC 94-100, adopted April 20, 1994.

II. THE COMMISSION'S PROPOSALS SHOULD BE ADOPTED WITH
MINOR MODIFICATIONS

A. Service Area Boundary Extensions

The Commission proposes that licensees that expand their composite service area boundary ("SAB") into an adjacent license area be required to specify on the FCC application whether the five-year fill-in period for that adjacent license area has expired and, if so, state that the SAB extension does not cover any unserved area. NYNEX generally supports this proposed revision. NYNEX believes that such a statement would indeed save time in processing applications, conserve Commission resources and, therefore, would serve the public interest.

In the Further Notice, the Commission does not state where such a statement should appear in the application. NYNEX believes such a statement would be most appropriately made in the public interest exhibit of FCC Form 489. The Commission retains the right under the proposed rules to periodically request and audit information related to Form 489. The Commission's enforcement authority would extend, of course, to all statements made in the Form, including statements concerning SAB extensions. In the event such a statement were found to be erroneous, the Commission would retain the right to modify the license as set forth in Section 316 of the Communications Act of 1934, as amended.

B. Map Scale

In paragraph 6 of the Further Notice, the Commission proposes to revise Section 22.926 of the Rules to increase the map scale to 1:500,000. NYNEX agrees with the Commission that

this proposal would eliminate filing burdens on applicants while not impairing the ability of the Commission staff and members of the public to review the maps. In some instances, carriers may wish to produce more highly detailed maps than the 1:500,000 proposed map size. For example, service providers may wish to use more detailed maps as design aids. We note, however, there are likely to be very few instances when such detail is warranted for review purposes.

NYNEX proposes that, in addition to its proposal to revise the map scale, the Commission accept maps generated by computer. Several software packages are available to providers who may wish to use computer-generated maps that accurately depict MSA/RSA boundaries, cellular contours and roadways. These packages produce maps that are accurate and easy to read and, thus, would improve the ability of the staff and the public to review. In addition, computer-generated maps are likely to streamline the administrative burdens service providers face.⁴

C. Elimination of Licensing for Inner Cell Sites

The Commission proposes to revise its rules to allow cellular carriers to make minor changes to facilities and add transmitters within the contours of authorized stations without first seeking Commission approval. In addition, the Commission plans to eliminate the listing of internal cell sites in its

⁴ For example, in producing a computer-generated map, it is possible to indicate a cell site's 32 dBu contour, thus relieving service providers of the time-consuming task of producing contour overlays.

authorizations for existing licensees.⁵ NYNEX generally agrees with this proposal. By eliminating unnecessary information and updating requirements, the Commission will significantly reduce undue burdens on carriers as well as on Commission staff.

Our support for this proposal, however, is predicated upon the Commission's clarification of Section 22.163(d), as it pertains to modifications of authorizations. As proposed in the Notice, Part 22.163(d), as revised, reads as follows:

"Licensees must supply administrative or technical information concerning the modified facilities upon request by the Commission." As proposed, this Section appears to contemplate the development of a new database or new record-keeping responsibilities which require carriers to compile data made up of external sites only. The Commission refers to this information submission requirement as a "one-time filing".⁶

However, the Commission leaves unclear whether this documentation takes the place of the radio station authorizations currently subject to posting requirements under Section 22.201 of the rules. Moreover, it is unclear, within the context of this "one-time filing", how the Commission proposes to handle situations in which an external site is taken out of service and the service contour is reduced. In such cases, carriers should be required to submit information detailing changes on service parameters. In addition, the

⁵ Further Notice at ¶¶7-8.

⁶ Further Notice at ¶7.

Commission should make updated information available to the public.

D. SYSTEM INFORMATION UPDATES

The Commission proposes to revise Section 22.925 of the Rules which provides for the types of updated information for existing cellular systems that licensees must submit before the end of the filing period. Specifically, the Commission proposes to revise the information update requirement as it pertains to the map scale and require that maps show only exterior cell sites. Information updates also must include an exhibit that indicates coordinates for exterior cell sites and the number of the market.⁷ NYNEX supports the Commission's proposal and believes that these proposed modifications would prudently simplify and clarify the process of submitting system information updates at the end of the 5-year fill-in period. The adoption of these provisions reduces the requirement that carriers file unnecessary data and ensures that relevant information is readily available to the public.

III. CONCLUSION

NYNEX supports the Commission's efforts to change its rules to eliminate unnecessary administrative requirements. We believe that these revisions recognize that a reduction of the Commission's regulatory oversight is warranted by the vigorous competitive markets in which these services are provided. The reality of competition is only increased by recent statutory

⁷ Further Notice at ¶10.

changes and proceedings that will promote the entry of a significant number of new players into the competitive arena.

WHEREFORE, for the reasons set forth herein, NYNEX supports adoption of the rules proposed by the Commission in the Notice of Proposed Rulemaking and the Further Notice of Proposed Rulemaking as modified by the Comments filed by NYNEX.

Respectfully submitted,

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Dated: June 20, 1994

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing
COMMENTS of NYNEX Corporation in CC Docket No. 92-115 was served
on each of the parties listed on the attached Service List by
first class U.S. mail, postage prepaid, this 20th day of June,
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